



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
2890 WOODBRIDGE AVE.
EDISON, NEW JERSEY 08837

JUN 29 2012

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7001 0320 0004 7789 6402

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-3598

Re: Notice of Opportunity with Respect to Action Under Toxic Substances Control Act
TSCA-02-2012-9208

Dear Mr. Price:

Enclosed is a fully executed copy of the Administrative Consent Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please note that the forty-five (45) day period for payment of the civil penalty commenced as of the date this Consent Agreement was signed by the Regional Administrator. Please arrange for payment of this penalty according to the instructions given within the enclosed document under "Terms of Consent Agreement". Further, please ensure that a copy of the payment check is mailed to the EPA staff member listed in that section of the Agreement.

Please contact Ann Finnegan of my staff at (732) 906-6177, or by electronic mail at finnegan.ann@epa.gov, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X	:	
In the Matter of	:	
	:	<u>CONSENT AGREEMENT</u>
Consolidated Edison Company	:	<u>AND</u>
of New York, Inc.,	:	<u>FINAL ORDER</u>
	:	
Respondent.	:	
	:	Docket No.
Proceeding under Section 16(a) of	:	TSCA-02-2012-9208
the Toxic Substances Control Act.	:	
-----X		

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000) (hereinafter "Consolidated Rules"), provide in 40 C.F.R. § 22.13(b) that when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b)(2) and (3). The Director of the Division of Enforcement and Compliance Assistance, United States Environmental Protection Agency, Region 2 (hereinafter "EPA" or "Complainant"), alleges that Consolidated Edison Company of New York, Inc. (hereinafter "Consolidated Edison" or "Respondent")

violated Section 6(e) of TSCA, 15 U.S.C. § 2605(e), and the regulations promulgated pursuant to that Section, set forth at 40 C.F.R. Part 761, relating to polychlorinated biphenyls ("PCBs") and Section 15(1) of TSCA, 15 U.S.C. § 2614(1).

EPA and ConEd agree that settling this matter by entering into this CAFO pursuant to 40 C.F.R. § 22.13(b) and 40 C.F.R. § 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22. No formal or adjudicated findings of fact or conclusions of law have been made. The following constitute Complainant's findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent is Consolidated Edison Company of New York, Inc.
2. Respondent owns, operates, and/or controls the facilities in and around 31-43 Farrington Avenue (commonly known as the "Farrington Flush Facility"), Flushing, New York (hereinafter "Respondent's facility").
3. In a February 29, 2012 telephone call, and in subsequent submissions, Respondent disclosed to EPA that it had shipped PCB remediation waste from Respondent's facility for disposal without identifying it as PCB waste on EPA Manifest Form 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a).
4. The PCB remediation waste described in paragraph 3, above, was disposed at a facility that is not authorized to accept PCB remediation waste for disposal under 40 C.F.R. § 761.75 or 40 C.F.R. § 761.77 in accordance with the specifications and requirements of 40 C.F.R. § 761.61(b).

5. Complainant sent to Respondent a "Notice of Opportunity Related to Enforcement Action Under the Toxic Substances Control Act", which alleged the Respondent committed two violations of the regulations regarding manifesting and disposal of PCB waste.

CONCLUSIONS OF LAW

1. Respondent, as the owner and/or operator of the facilities which are the subject of this CAFO, is subject to the regulations and requirements pertaining to PCBs and PCB Items promulgated pursuant to Section 6(e) of TSCA, 15 U.S.C. § 2605(c), and set forth at 40 C.F.R. Part 761.

2. Respondent is a "person" within the meaning of 40 C.F.R. § 761.3.

3. Failure to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22 is a violation of 40 C.F.R. § 761.207(a), which is a violation of Section 6(c) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(c) and 2614(1)(C).

4. Disposal of PCB remediation waste in a manner not authorized by 40 C.F.R. § 761.61(b) is a violation of 40 C.F.R. § 761.61, which is a violation of Section 6(c) and Section 15(1)(C) of TSCA, 15 U.S.C. §§ 2605(c) and 2614(1)(C).

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) and in accordance with the Consolidated Rules of Practice at 40 C.F.R. Part 22, it is hereby agreed by and between the parties hereto, and accepted by Respondent, that Respondent voluntarily and knowingly agrees to, and shall comply with, the following terms:

1. Respondent shall hereinafter comply with all applicable provisions of TSCA and the regulations promulgated pursuant to it.

2. For the purposes of this Consent Agreement, Respondent (a) admits that EPA has jurisdiction pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), to commence a civil administrative proceeding for the violations alleged in the "Conclusions of Law" section, above; (b) neither admits nor denies the specific factual allegations contained in the "Findings of Fact" section, above; and (c) neither admits nor denies the assertions set forth in the "Conclusions of Law" section, above.

3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **Thirty Three Thousand Seven Hundred Fifty Dollars (\$33,750)** to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document. Such check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, Missouri 63197-9000

Alternatively, payment may be made by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account: 68010727
- 4) ABA number: 021030004
- 5) Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"
- 6) Name of Respondent
- 7) Docket Number

Payment must be received at the above address (or account of EPA) on or before **45 calendar days** after the date of the signature of the Final Order at the end of this document (the date by which payment must be received shall hereinafter be referred to as the "due date"). Promptly

after payment has been made, Respondent shall send copies of this payment or furnish reasonable proof that such payment has been made to both:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th Floor
New York, New York 10007

and

Ann Finnegan
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue, MS 105
Edison, New Jersey 08837

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice or the U.S. Department of the Treasury for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to the Debt Collection Act, 31 U.S.C. § 3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15 will be assessed for each 30-day period (or any portion thereof) following the due date in which the balance remains unpaid. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

4. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities under the Toxic Substances Control Act, 15 U.S.C. § 2601 *et seq.*, and the regulations promulgated thereunder in 40 C.F.R. Part 761, that attach or might have attached as a result of the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable, and consents to its issuance

and its terms. Respondent consents to the issuance of the accompanying Final Order.

Respondent agrees that all terms of settlement are set forth herein.

5. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

6. Respondent hereby waives its right to seek or to obtain any hearing (pursuant to Subpart D of 40 C.F.R. Part 22) or other judicial proceeding on the assertions contained in the "Findings of Fact" section, above, and the allegations contained in the "Conclusions of Law" section, above, or on any allegations arising thereunder. Respondent further waives its right otherwise to contest all such assertions and/or allegations.

7. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator, the Deputy Regional Administrator, or the Regional Judicial Officer where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the Final Order.

8. This Consent Agreement does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable federal, state, or local laws, rules, or regulations.

9. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all terms and conditions set forth in this Consent Agreement.

10. Each party shall bear its own costs and fees in this matter.

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT: BY: Peter Garam
Consolidated Edison Company of New York, Inc.

NAME: Peter Garam

TITLE: Associate General Counsel

DATE: June 14, 2012

COMPLAINANT:

Dore LaPosta
Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

DATE: JUNE 19, 2012

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number TSCA-02-2012-9208

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc., bearing Docket Number TSCA-02-2012-9208. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered into pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: June 26, 2012

Helen Ferrara

Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

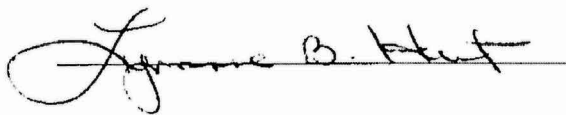
In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number TSCA-02-2012- 9208

CERTIFICATE OF SERVICE

This is to certify that on the 29 day of June 2012, I served a true and correct copy of the foregoing fully executed Consent Agreement and Final Order bearing Docket Number TSCA-02-2012-9208, by certified mail, return receipt requested, to:

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-3598

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Consent Agreement and Final Order.

A handwritten signature in black ink, appearing to read "Lynne B. Hunt", is written over a horizontal line.

Administrative Case Initiation Data Form

Draft

EA #:

Date Entered:

ORC Branch:

Complaint Stage
(at time of submittal)

Final

Administrative Docket or Index
Number

TSCA-02-2012-9208

Enforcement Action Name
Additional Respondents,
PRPs, or Defendants

Consolidated Edison Company of New York Inc.

Site(s):

Consolidated Edison Farrington Flush Station

Enforcement Action Type
Primary Statute/Section Violated
Other Statutes/Sections
CFR Citations:

TSCA 16 Action for Penalty

TSCA 6E - Poly Chlorinated Biphenyls (PCBs)
40 CFR 761.207(a), 40 CFR 761.61

Priority Activity

☒ Core Priority

EPA Lead Attorney
EPA Program Contact

Ann Finnegan

DECA-PTSB-TS

(office)
732-906-61
77

Violation Type

Violation of PCB rules

Was this action taken in response to a violation found through an Inspection?

Was this a Multi-Media action? (check all that apply)

Was the Agency activity taken in response to Environmental Justice concerns?

Was Voluntary Disclosure Policy applied to this action?

Case Summary

By telephone call on February 29, 2012, Respondent notified EPA that they had inadvertently shipped PCB remediation waste without the proper manifest, and that the material had been disposed in an unauthorized facility. Respondent did not invoke the Audit Policy, since it would not apply. The self-disclosure reductions available in the PCB penalty policy were applied. EPA issued a Show Cause letter with a CAFO included which reflected a penalty of \$33,750.

Proposed Penalty \$33,750.00 (amount sought)

Proposed Cost Recovery \$0.00 (amount sought)

Is this an amended complaint? ☐ Yes ☒ No

Date Complaint/Agreement

Case Conclusion Data Sheet

Draft

EA #:
Date Entered:
ORC Branch:

Information

Case and Facility Information

Court or Administrative Docket or Index Number TSCA-02-2012-9208
Enforcement Action Name Consolidated Edison Company of New York Inc.
Additional Respondents, PRPs, or Defendants

Site(s): Consolidated Edison Farrington Flush Station

Enforcement Action Type TSCA 16 Action for Penalty
Primary Statute/Section Violated
Other Statutes/Sections TSCA 6E - Poly Chlorinated Biphenyls (PCBs)
CFR Citations: 40 CFR 761.207(a), 40 CFR 761.61

Priority Activity

☒ Core Priority

EPA Lead Attorney
EPA Program Contact Ann Finnegan DECA-PTSB-TS (office) 732-906-6177

Violation Type Violation of PCB rules

Was this action taken in response to a violation found through an Inspection?

Was this a Multi-Media action? (check all that apply)

Was the Agency activity taken in response to Environmental Justice concerns?

Was Voluntary Disclosure Policy applied to this action?

Was Alternative Dispute Resolution used in this action?

Conclusion Type Administrative Penalty Order
Date of Final Order Lodging
Date of Final Order
Estimated Termination Date
Resolution Code Final Order with Penalty

Complying Action

Complying Action

Removal and Restoration

Total Cost: \$0.00

Program Category

Type

Units

Media

Program Category

Type

Units

Media

Program Category

Type

Units

Media

Reduction of Ongoing Releases

Total Cost: \$0.00

Program Category

Type

Units

Media

Program Category

Type

Units

Media

Program Category

Type

Units

Media

Prevention of Future Releases

Total Cost:

Program Category

Type

Units

Media

Program Category

Type

Units

Media

Program Category

Type

Units

Media

Work Practices

Total Cost: \$1,000.00

Type

☐ Monitoring

(Enter additional types
on separate lines)

Injunctive Relief - Old Method

Injunctive Relief/Complying Action

Direct Action to Reduce, Eliminate, or Treat Pollutants

Direct Environmental
Reduction

Preventative Actions to Manage Waste Streams or Prevent Releases/Exposur

Preventative

Facility Management or Information Practice

Facility Management or
Information Practice

Quantitative Environmental Impact

SEP

SEP(s)

View: SEPsByParentUNID

Penalty

Penalty

Final Assesed Penalty (Not including value of any SEP)

EPA	\$33,750.00
State and Local Government	\$0.00

For Multi-Media actions, enter the Federal amounts by statute:

Statute

Amount

Cost Recovery

CERCLA Cost Recovery

Amount of cost recover awarded

EPA	\$0.00
State and Local Government	\$0.00

Summary

Case Summary

By telephone call on February 29, 2012, Respondent notified EPA that they had inadvertently shipped PCB remediation material that had been disposed in an unauthorized facility. Respondent did not invoke the Audit Policy, since it was not available in the PCB penalty policy were applied. EPA issued a Show Cause letter with a CAFO included with the letter. Respondent has implemented new control procedures to prevent future violations.

Self Disclosure

Self Disclosure Information

Disclosure under Audit Policy?	<input type="radio"/> Yes <input checked="" type="radio"/> No
Disclosure under EPA's Small Business Policy?	<input type="radio"/> Yes <input checked="" type="radio"/> No

Milestones

DATES Milestones: DECA tracks some milestones in the DATES database. If this action has milestones that need to be tracked, does this action have DATES milestones? ☐ Yes ☒ No

Description	Frequency	Page	Due
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

DATE: JUN 19 2012

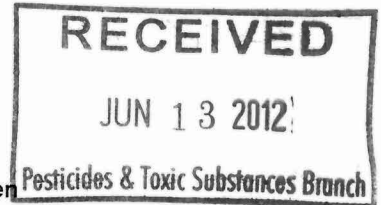
SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2012-9208

FROM: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

TO: Helen Ferrara
Regional Judicial Officer

Attached please find a Consent Agreement and Final Order for your signature. Please sign it and return it to the Pesticides and Toxic Substance Branch, as indicated on the routing slip.

Attachment



Eric M. Dessen
Assistant General Counsel
Law Department

June 12, 2012

Via Federal Express

Ms. Ann Finnegan
U.S. Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue – MS105
Edison, New Jersey 08837

Re: In the Matter of Consolidated Edison Company of New York, Inc.
Consent Agreement and Final Order
TSCA-02-2012-9208

Dear Ms. Finnegan:

In line with the instructions set forth in EPA's Notice of Opportunity with Respect to Action Under the Toxic Substances Control Act dated May 30, 2012, enclosed is Con Edison's signed Consent Agreement and Final Order ("CAFO") for the above-referenced matter.

Please have EPA sign the CAFO and return a fully executed copy to Con Edison. Upon receipt of the fully executed CAFO, Con Edison will make payment of thirty three thousand seven hundred fifty dollars (\$33,750) to EPA in line with the terms of the CAFO.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Eric Dessen
Eric Dessen

Enclosure

2 sided copy
re-sign a
single sided
version

11. Respondent consents to service upon Respondent of a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

BY:

Peter Garam
Consolidated Edison Company of New York, Inc.

NAME: Peter Garam

(PLEASE PRINT)

TITLE: Associate General Counsel

DATE: June 8, 2012

COMPLAINANT:

Dore LaPosta, Director
Division of Enforcement and
Compliance Assistance
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

DATE: _____

In the Matter of Consolidated Edison Company of New York, Inc.
Docket Number TSCA-02-2012-9208

FINAL ORDER

The Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2, concurs in the foregoing Consent Agreement in the case of In the Matter of Consolidated Edison Company of New York, Inc., bearing Docket Number TSCA-02-2012-9208. Said Consent Agreement, having been duly accepted and entered into by the parties, shall be, and hereby is, ratified, incorporated into and issued, as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2 (40 C.F.R. § 22.31(b)). This Final Order is being entered into pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under Section 6 of the Toxic Substances Control Act, 15 U.S.C. § 2605 for purposes of Section 15(1)(C) of TSCA, 15 U.S.C. § 2614(1)(C).

DATE: _____

Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 2
290 Broadway
New York, New York 10007

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE:

SUBJECT: In the Matter of Consolidated Edison Company of New York, Inc.
Docket No. TSCA-02-2012-9208

FROM: John Gorman, Chief
Pesticides and Toxic Substances Branch



TO: Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

Attached please find a Consent Agreement and Final Order for your signature. This is part of a consolidated action taken pursuant to our Consolidated Rules of Practice (40 C.F.R. § 22.18(b)(2) and (3)), which provide that a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order when the parties agree to settle one or more causes of action before the filing of an Administrative Complaint. This Consent Agreement will commence and settle an enforcement action against the above referenced party under Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a).

The Respondent, Consolidated Edison Company of New York, Inc., is the owner of a facility that has owned, used and maintained, stored, or disposed of PCBs and PCB Items. On February 29, 2012, Respondent notified EPA that they had received shipped PCB remediation waste from Respondent's facility that was contaminated with PCBs over 50 parts per million. Based upon our review of that notification and other information gained during our investigation, EPA determined that Respondent had:

1. Failed to identify PCB remediation waste on EPA Manifest 8700-22 in accordance with the specifications and requirements of 40 C.F.R. § 761.207(a), and
2. Disposed of PCB remediation waste in a manner not authorized under 40 C.F.R. § 761.61.

A Notice of Opportunity to Show Cause with Respect to Enforcement Action ("Notice") was issued in lieu of a Complaint and Notice of Opportunity for Hearing. On April 22, 2012, the parties met via telephone for an informal settlement conference. Consistent with the provisions set forth in the appropriate penalty policies, and in order to reach an equitable settlement, we proposed Respondent pay a penalty of \$33,750, the amount that would have been sought if a formal complaint had been issued. Respondent was provided with a copy of the Supplemental Environmental Projects (SEP) policy but their facility offers no opportunity for appropriate environmentally beneficial projects.

The amount of the penalty was calculated in accordance with the "Guidelines for Assessment of Civil Penalties under Section 16 of the Toxic Substances Control Act; PCB Penalty Policy", and the "Polychlorinated Biphenyls (PCB) Penalty Policy".

If this Consent Agreement and Final Order meet with your approval, please sign it and forward it to the Regional Judicial Officer for her signature. If you have any questions please call me.

Thank you.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

MAY 30 2012

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number 7001 0320 0004 7789 6426

Mr. Randolph Price, Vice President
Environmental Health & Safety
Consolidated Edison Company of New York, Inc.
4 Irving Place
New York, NY 10003-3598

Re: Notice of Opportunity with Respect to Action Under Toxic Substances Control Act
TSCA-02-2012-9208

Dear Mr. Price:

On or about February 29, 2012, a representative of Consolidated Edison Company of New York, Inc. ("Consolidated Edison") notified the U.S. Environmental Protection Agency ("EPA") Region 2 personnel that Consolidated Edison may have committed a violation of the Toxic Substances Control Act (TSCA) by shipping PCB waste for disposal without properly identifying it on a hazardous waste manifest. Additional information was provided to my staff subsequent to this notification.

Based on the information provided, EPA believes that Consolidated Edison is in violation of the regulations relating to polychlorinated biphenyls (PCBs), codified at 40 C.F.R. Part 761 and promulgated under authority of Section 6 of TSCA, 15 U.S.C. § 2605. Pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, EPA is authorized to commence civil administrative actions for the assessment of civil penalties for violations of the above cited regulations. Consistent with the provisions set forth in the Agency's Enforcement Response Policies for violations of TSCA, the EPA may seek a penalty of up to \$37,500 for each violation, on some occasions per use or per day.

Based upon the available information, EPA has tentatively determined that Consolidated Edison would be liable to the United States for two violations of the regulations at 40 C.F.R. Part 761 regarding manifesting and disposal of PCB waste. A more detailed description of the violations is included as an enclosure to this letter.

However, our Consolidated Rules of Practice, at 40 C.F.R. §22.13(b), now permit the simultaneous commencement and conclusion of a proceeding without the issuance of a complaint. Any such settlement must be in conformance with the appropriate EPA Enforcement Response Policy and would include Consolidated Edison agreeing to pay a monetary penalty as part of a Consent Agreement and Final Order (CAFO). I am prepared to consider such an approach in this case, and hereby offer, subject to final EPA approval, to settle this matter for \$33,750. For your convenience, I have enclosed a CAFO for your review. If you agree with this settlement offer, please sign the original provided and return it for further processing within twenty (20) days of receipt to the attention of Ms. Ann Finnegan at the following address:

United States Environmental Protection Agency - Region 2
Pesticides and Toxic Substances Branch
2890 Woodbridge Avenue - MS105
Edison, NJ 08837

A fully executed copy of this document will be mailed to you upon issuance.

If we are unable to reach an expeditious settlement, EPA is prepared to issue an Administrative Complaint in this matter. For your information, the Consolidated Rules of Practice (40 C.F.R. Part 22) can be found on the EPA web site at www.epa.gov/oalj/rules.htm. The appropriate EPA penalty policy(s) can be found at <http://cfpub.epa.gov/compliance/resources/policies/civil/tsca>. If applicable, EPA's Supplemental Environmental Projects (SEP) Policy can be found on the EPA website at <http://www.epa.gov/compliance/civil/seps/index.html>. Please also consult <http://www.epa.gov/compliance/resources/policies/incentives/programs/sec-notice-dutytodisclose.pdf> for information on your duty regarding the Securities and Exchange Commission.

If you have any questions regarding the penalty determination or the settlement process, or would like to schedule a conference to further discuss this matter, please contact Ms. Finnegan at (732) 906-6177 or by electronic mail at finnegan.ann@epa.gov.

Sincerely,

John Gorman
Chief
Pesticides and Toxic Substances Branch

Enclosures

Enclosure

Violations

1. Failure to Manifest PCB Waste:

Pursuant to 40 C.F.R. § 761.207(a), Respondent was required to identify PCB waste submitted for off-site disposal on EPA Manifest Form 8700-22. Respondent was required to specify, for each bulk load of PCBs, the identity of the PCB waste, the earliest date of removal from service for disposal, and the weight in kilograms of the PCB waste.

On or about February 27, 2012, Consolidated Edison sent approximately 3,000 gallons of waste in a vacuum truck from Consolidated Edison's Farrington Flush facility in Queens, New York to Cycle Chem in Elizabeth, New Jersey under Bill of Lading CVCC166577. Upon receipt of the waste, Cycle Chem sampled it and discovered that it was contaminated with PCBs. Subsequent sampling by Consolidated Edison revealed that the waste was contaminated with PCBs up to 526 ppm. This PCB waste was not identified as such on EPA Manifest Form 8700-22 at the time of shipment.

On or about February 29, 2012, Consolidated Edison voluntarily self-disclosed the manifesting error to EPA.

2. Disposal of PCB Waste:

As defined under 40 C.F.R. § 761.3, soil, sediments, dredged materials, muds, PCB sewage sludge, and industrial sludge are classified as PCB remediation waste. Pursuant to 40 C.F.R. § 761.61(b)(5)(2), Respondent was required to dispose of non-liquid PCB remediation waste in a high temperature incinerator approved under §761.70(b), an alternate disposal method approved under 761.60(e), a chemical waste landfill approved under §761.75, or in a facility with a coordinated approval issued under §761.77.

On or about February 27, 2012, Consolidated Edison sent approximately 3,000 gallons of waste in a vacuum truck from Consolidated Edison's Farrington Flush facility in Queens, New York to Cycle Chem in Elizabeth, New Jersey for disposal. This waste was then transferred to Waste Management's Grows North Landfill and the adjacent Tullytown Resource Recovery facility, where it was land-disposed.

On or about February 29, 2012, Consolidated Edison voluntarily self-disclosed the disposal error to EPA.



PCB Incident - Con Edison Farrington Flush Facility

Manning, Paul

to:

James Haklar, Ann Finnegan

03/09/2012 08:08 PM

Hide Details

From: "Manning, Paul" <MANNINGP@coned.com>

To: James Haklar/R2/USEPA/US@EPA, Ann Finnegan/R2/USEPA/US@EPA

1 Attachment



Con Ed Farrington Flush shipping papers.pdf

Attn: Jim Haklar / Ann Finnegan

In line with your request, the following is a brief summary of the events related to the transportation of PCB TSCA waste from Con Edison's Farrington Street Flush Facility in Queens, New York (Farrington Flush Facility).

As Con Edison initially communicated to EPA on February 29, 2012 and elaborated on in subsequent discussions, Con Edison has identified that PCB TSCA waste was transported via shipping papers (*attached*) from the Farrington Flush Facility to Clean Ventures (CVI) Cycle Chem of NJ (Cycle Chem) and subsequently from Cycle Chem to two Waste Management facilities (Grows North and Tullytown) in Pennsylvania.

<<Con Ed Farrington Flush shipping papers.pdf>>

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were 14ppm, 14ppm, and 23ppm PCB). Later that day, the same vacuum truck returned to the Farrington Flush Facility and removed the remaining sediments for transport to Cycle Chem. The truck sat at Cycle Chem overnight and was sampled for PCBs the next day. The results of those samples were 2.3ppm, 4.3ppm, and 51.8ppm PCB. CVI quarantined the truck and notified Con Edison personnel of the results. Con Edison immediately shutdown the Farrington Flush Facility pending further investigation and testing.

2
truck
loads

Prior to CVI picking up the sediment from the Farrington Flush Facility, Con Edison had taken a sample of the sediment for QA/QC. Once CVI notified Con Edison of the PCB results that CVI received, Con Edison ran an analysis on the sediment QA/QC sample. The result of that sample was 526ppm PCB. Based on this result, Con Edison notified EPA, NYSDEC, and NYCDEP. Con Edison also sampled wastewater from the Farrington Flush Facility water treatment unit. The results of that sample were less than 1ppb PCB.

why
didn't
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On March 2, Con Edison learned that the first truck shipment had been processed and shipped to the Waste Management (WM) Grows North Landfill in Pennsylvania. Upon learning this, Con Edison reached out to both CVI/Cycle Chem and WM to better understand the transfer of the waste from Cycle Chem to Grows North landfill and their capability of recovering it.

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During a Mar-7, conference call with CVI/Cycle Chem and WM/Grows LF, Con Edison was informed that following processing at Cycle Chem, the first truck shipment from the Farrington Flush Facility (13.4 tons) was comingled with other waste and the full comingled load was sent in four truck shipments, two to Grows North Landfill (~45 tons) and two to the adjacent Tullytown Resource Recovery facility (~39 tons). Con Edison asked WM if it was feasible to retrieve the waste. WM said that extraction is not feasible given that the site receives 6,000 tons per day and that their mapping is done via GPS, accurate to within only 15-20 feet.

disposal

In response to this incident, Con Edison has worked with CVI to jointly implement several process changes and controls to minimize the potential for future similar incidents. Con Edison is also evaluating how to best identify similar unusual underground structures in order to restrict them from processing at our flush facilities and will be highlighting the lessons learned from this incident and sharing them with our employees involved in these activities.

Please e-mail or call me on my cell if you have any further questions or require additional information.

Paul Manning
Director, Environment & Sustainability
Con Edison
Cell - (917) 902-9213
Office - (212) 460-3427

Clean Venture/CycleChem

1ST Load

CVCC 166577

NON-HAZARDOUS SOLID WASTE The Environmental Services Source
W 8 # 131999

BILL OF LADING

Generator's Name and Mailing Address Consolidated Edison Company of New York, Inc. 124-15 31 Avenue Flushing, New York 11354		BOL 0146577	
Generator's Phone (718) 3214812	Attn: Environmental Operations	31-43 Farrington Street Flushing, NY 11354	
Transporter 1 Company Name Clean Venture Inc NJ0000027192		State Trans. ID-NJDEPE 16755	
Transporter 2 Company Name		Decal No. 08406	
Designated Facility Name and Site Address Cycle Chem Inc 217 South First St. Elizabeth, NJ 07208		Transporter's Phone (908) 354 0210	
ID, US EPA ID Number NJ0002200045		State Trans. ID-NJDEPE	
		Decal No.	
		Transporter's Phone ()	
		Facility's Phone (908) 3555970	

US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group)	Containers		Total Quantity	Unit Wt/Vol	Waste No.
	No.	Type			
a. Non Hazardous Waste Liquid Non D.O.T / Non RCRA	XX	TT	3000	G	1D72
b.					
c.					
d.					

J. Additional Descriptions for Materials Listed Above

a. L, Sediment & Water 100%	c.
b.	d.

CCI Generator # and Product Codes:
9241 05/102/18793
Job # 55280-01-05
Com art: J. Class

ERG 128
GRO4-296

Emergency Phone (908) 354-0210
VAC# 131
Plate # AL 879X

GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and are non-hazardous by US EPA & applicable state regulations.

PLACARDS REQUIRED ☐ NA ☐ PLACARDS REQUIRED ☐ YES ☒ NO- FURNISHED BY CARRIER

Printed/Typed Name John L. Por.	Signature <i>[Signature]</i>	Month Day Year 12 27 12
Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name F. CRESTO	Signature <i>[Signature]</i>	Month Day Year 02 27 12
Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name	Signature	Month Day Year

FACILITY

Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest.

Printed/Typed Name Allen Ellis	Signature <i>[Signature]</i>	Month Day Year 10 27 12
-----------------------------------	---------------------------------	----------------------------

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES
COPY 1 - WHITE - GENERATOR COPY 2 - PINK - TRANSPORTER COPY 3 - BLUE - CycleChem COPY 4 - CANARY - FACILITY



INDUSTRIAL SCRAP EXPERTS • CONTAINER SERVICE • WASTE DISPOSAL

Scale Ticket

CVCC
166577

Customer: _____

Driver: _____

Truck #: _____

Plate #: _____

Box #: _____

Product: _____

Destination: _____

Weight Master: _____

GROSS 72980 lb

01:05PM 02/27/2012

✓ CleanVenture/CycleChem

NON-HAZARDOUS SOLID WASTE

The Environmental Services Source

BILL OF LADING

Generator's Name and Mailing Address 124-15 31 Avenue Flushing, New York 11354		BOL 0166576	
Generator's Phone (718) 3214812 Attn: Environmental Operations		31-43 Farington Street Flushing, NY 11354	
Transporter 1 Company Name Clean Venture Inc		State Trans. ID-NJDEPE 16755	
Transporter 2 Company Name NJ0000027193		Decal No.-	
Designated Facility Name and Site Address Cycle Chem Inc		Transporter's Phone (908) 354 0210	
10. US EPA ID Number 217 South First St.		State Trans. ID-NJDEPE	
Elizabeth, NJ 07206		Decal No.-	
US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group)		Containers No.	Total Quantity
a. Non Hazardous Waste Liquid		XX	3000
b. Non D.O.T / Non RCRA		TT	G
c.		1072	1072
d.		1072	1072
J. Additional Descriptions for Materials Listed Above			
a. L, Sediment & Water 100%			
b.			
c.			
d.			
CCI Generator # and Product Codes:			
924705/102/18793		ERG 128	
Job # 55260-01-05		Emergency Phone (908) 354-0210	
Contact: J. Class		VAC# 137	
GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and are non-hazardous by USEPA & applicable state regulations.		Plate # AL 579X	
PLACARDS REQUIRED		NA	
PLACARDS SUPPLIED		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> FURNISHED BY CARRIER	
Printed/Typed Name		Signature	
John L. Parisi		[Signature]	
Transporter 1 Acknowledgement of Receipt of Materials		Month Day Year	
Printed/Typed Name		Signature	
F. C. [Signature]		[Signature]	
Transporter 2 Acknowledgement of Receipt of Materials		Month Day Year	
Printed/Typed Name		Signature	
[Signature]		[Signature]	
Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest.		Month Day Year	
Printed/Typed Name		Signature	
[Signature]		[Signature]	

COPY 1 - WHITE - GENERATOR

COPY 2 - PINK - TRANSPORTER

COPY 3 - BLUE - CycleChem

COPY 4 - CANARY - FACILITY



INDUSTRIAL SCRAP EXPERTS • CONTAINER SERVICE • WASTE DISPOSAL

Scale Ticket

Customer: _____

Driver: _____

Truck #: VAC-137 EMPTY WEIGHT.

Plate #: _____

Box #: _____

Product: _____

Destination: _____

Weight Master: _____

GROSS 46200 lb

02:51PM 02/23/2012


3/26/12

Paul Manning Con Ed

→ 526^{ppm} sample was ^{taken} for Lead issue,
not PCB issue
that's why it wasn't
analysed first

discussed penalty and
show cause approach

he will discuss it
with Eric Dessen (atty)
and get back later

Re: PCB Incident - Con Edison Farrington Flush Facility 
Ann Finnegan to: Manning, Paul

03/26/2012 03:00 PM

Paul.

thank you for the information you provided on this incident, and copies of the shipping papers and Cycle Chem's analysis.

At this time I am requesting that you provide additional information regarding the analysis of the retain sample taken by ConEd from the Farrington Flush Facility (that turned out to contain 526 ppm), as well as the sample from the manhole (that contained 248 ppm).

After I review this information, I believe we can begin to discuss timely resolution of the associated violations of TSCA.

If you have any questions, please feel free to call me anytime.
Thank you.

Ann F.

Ann M. Finnegan, TSCA Enforcement Coordinator
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue (MS 105) Edison, NJ 08837
(732) 906-6177 phone (732) 321-6788 FAX
finnegan.ann@epa.gov

"Manning, Paul"

Attn: Jim Haklar / Ann Finnegan In line with your...

03/09/2012 08:08:46 PM

From: "Manning, Paul" <MANNINGP@coned.com>
To: James Haklar/R2/USEPA/US@EPA, Ann Finnegan/R2/USEPA/US@EPA
Date: 03/09/2012 08:08 PM
Subject: PCB Incident - Con Edison Farrington Flush Facility

Attn: Jim Haklar / Ann Finnegan

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In order to identify the potential source of the PCBs, Con Edison reviewed all of the underground structures that had been cleaned during the February 23 – February 26 timeframe (approximately 70 structures). The review indicated that none of these structures contained visible oil when they were cleaned and none of the structures had a known history of PCB spills. Con Edison did identify that one manhole in Queens contained six 1950s vintage capacitors. These capacitors were determined to be the likely source and subsequent sediment sampling yielded a result of 248ppm PCB. Following discussions with EPA, Con Edison initiated a cleanup and decontamination of the Farrington Flush Facility on March 1. The process was modeled on a similar clean up in August 2004, which was developed in consultation with EPA, in response to a similar incident.

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In response to this incident, Con Edison has worked with CVI to jointly implement several

process changes and controls to minimize the potential for future similar incidents. Con Edison is also evaluating how to best identify similar unusual underground structures in order to restrict them from processing at our flush facilities and will be highlighting the lessons learned from this incident and sharing them with our employees involved in these activities.

Please e-mail or call me on my cell if you have any further questions or require additional information.

Paul Manning

Director, Environment & Sustainability

Con Edison

Cell - (917) 902-9213

Office - (212) 460-3427[attachment "Con Ed Farrington Flush shipping papers.pdf" deleted by Ann Finnegan/R2/USEPA/US]



PCB Incident - Con Edison Farrington Flush Facility

Manning, Paul

to:

James Haklar, Ann Finnegan

03/09/2012 08:08 PM

Hide Details

From: "Manning, Paul" <MANNINGP@coned.com>

To: James Haklar/R2/USEPA/US@EPA, Ann Finnegan/R2/USEPA/US@EPA

1 Attachment



Con Ed Farrington Flush shipping papers.pdf

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2
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Please e-mail or call me on my cell if you have any further questions or require additional information.

Paul Manning
Director, Environment & Sustainability
Con Edison
Cell - (917) 902-9213
Office - (212) 460-3427

CleanVenture/CycleChem

NON-HAZARDOUS SOLID WASTE

The Environmental Services Source

1ST Load

CVCC 166577

W.O.# 131999

BILL OF LADING

Generator's Name and Mailing Address 124-15 31 Avenue Flushing, New York 11354		Consolidated Edison Company of New York, Inc. Flushing, New York 11354		BOL 0106077	
Generator's Phone () 718 3214812		Attn: Environmental Operations		31-43 Farington Street Flushing, NY 11354	
Transporter 1 Company Name Clean Venture Inc		NJ0000027193		State Trans. ID-NJDEPE 16755	
Transporter 2 Company Name				Decal No. 08636	
Designator Facility Name and Site Address Cycle Chem Inc 217 South First St. Elizabeth, NJ 07208		10. US EPA ID Number NJD002200045		Transporter's Phone () 908 354 0210	
				State Trans. ID-NJDEPE	
				Decal No.	
				Transporter's Phone ()	
				Facility's Phone () 908 3555300	
US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group)			Containers No.	Total Quantity	Unit Wt/Vol
a. Non-Hazardous Waste Liquid Non D.O.T / Non RCRA			XXA TT	3000	G
b.					
c.					
d.					
J. Additional Descriptions for Materials Listed Above					
a. L. Sediment & Water 100%		c.			
b.		d.			
CCI Generator # and Product Codes: 9241 J5/102/18793 Job # 55280-01-05 Com. eff. J. Class					
ERG 128 Emergency Phone (908) 354-0210 VAC# 131 Plate # AL 879X					
GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and are non-hazardous by US EPA & applicable state regulations.					
PLACARDS REQUIRED		NA		PLACARDS SUPPLIED	
Printed/Typed Name John L. Por.		Signature [Signature]		Month Day Year 2 27 12	
Transporter 1 Acknowledgement of Receipt of Materials Printed/Typed Name F. CRESO		Signature [Signature]		Month Day Year 02 27 12	
Transporter 2 Acknowledgement of Receipt of Materials Printed/Typed Name		Signature		Month Day Year	
FACILITY					
Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest.					
Printed/Typed Name Helen Ellis		Signature [Signature]		Month Day Year 02 27 12	

COPY 1 - WHITE - GENERATOR

COPY 2 - PINK - TRANSPORTER

COPY 3 - BLUE - CycleChem

COPY 4 - CANARY - FACILITY

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES



INDUSTRIAL SCRAP EXPERTS • CONTAINER SERVICE • WASTE DISPOSAL

Scale Ticket

CVCC
166577

Customer: _____

Driver: _____

FoCoedo

Truck #: _____

VKC 137

Plate #: _____

ALST9X

Box #: _____

Product: _____

Destination: _____

Weight Master: _____

GROSS 72980 lb

01:05PM 02/27/2012

CleanVenture/CycleChem

NON-HAZARDOUS SOLID WASTE

The Environmental Services Source

2nd load

CVCC 166576

BILL OF LADING

Generator's Name and Mailing Address **Consolidated Edison Company of New York, Inc**

124-15 31 Avenue

Flushing, New York 11354

Generator's Phone (718) 321 4812

Attn: Environmental Operations

Transporter 1 Company Name

Clean Venture Inc

NJ0000027193

Transporter 2 Company Name

Designated Facility Name and Site Address

Cycle Chem Inc

217 South First St.

Elizabeth, NJ 07206

10.

US EPA ID Number

NJD002200046

US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group)

Containers
No. Type

Total
Quantity

Unit
Wt/Vol

Waste No.

a. Non Hazardous Waste Liquid
Non D.O.T / Non RCRA

XX 1

TT

3000

G

1072

b. Wt 75
c. OK
d. 84D OK

J. Additional Descriptions for Materials Listed Above

a. L, Sediment & Water 100%

b. c. d.

CCI Generator # and Product Codes:

924705/102/18793

ERG 128

Emergency Phone (908) 354-0210

Job # 55260-01-05

VAC# 137

Contact: J. Class

Plate # AL 579X

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PLACARDS
REQUIRED

NA

PLACARDS
SUPPLIED

☐ YES ☒ NO - FURNISHED BY CARRIER

Printed/Typed Name

John L. Pore

Signature

[Signature]

Month Day Year

12-27-12

Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

F. CAEPO

Signature

[Signature]

Month Day Year

02 27 12

Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest.

Printed/Typed Name

Signature

Month Day Year

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES

COPY 1 - WHITE - GENERATOR

COPY 2 - PINK - TRANSPORTER

COPY 3 - BLUE - CycleChem

COPY 4 - CANARY - FACILITY



INDUSTRIAL SCRAP EXPERTS • CONTAINER SERVICE • WASTE DISPOSAL

Scale Ticket

Customer: _____

Driver: _____

Truck #: VAC 137 EMYTY WEIGHT.

Plate #: _____

Box #: _____

Product: _____

Destination: _____

Weight Master: _____

GROSS 46200 lb

02:51PM 02/23/2012



cycle chem called
Henry Mazzucca to: Ann Finnegan

03/02/2012 02:36 PM

received a notification from Jim Butler at 2:30pm today with the following information

On 2/27/12, Con Ed sent a load to them for processing. It was not declared as a pcb waste. Cycle Chem did their analysis and found it to be 14ppm of pcb's. They mixed it with other material and sent it to a non-tsca landfill in PA on 2/28/12.

↑ (First load)

Con Ed called them today and informed them that the load should have been treated as a tsca waste for pcb's.

Jim said that when they tested the outgoing load, it came up non-detect

Jim can be reached at 908-355-5800

already
diluted
by chem

Con Ed
said
cycle
chem
got

51
ppm
↓
(second
load)

Henry Mazzucca, PE, Chief
Toxics Section
Division of Enforcement and Compliance Assistance
tel (732) 321-6669
fax (732) 321-6788

NOTICE: This communication may contain deliberative, confidential, attorney work product, or other enforcement sensitive information. Do not release under FOIA without appropriate review. If this message was sent to you in error, you must delete it and not print, copy, re-transmit, disseminate or otherwise use the information

→ went to Geo's landfill in PA. !

3/5/12 Butler = the 51 ppm was the
other load

Cycle Chem

The Environmental Services Source

201 South First Street, Elizabeth, New Jersey 07206

Phone # 908-355-5800 Fax # 908-355-0562

Dear Generator -

On 2/27/12 some waste shipped on Manifest/Bill of Lading number

CVCL166577 was determined by our lab to contain PCB's at a concentration

< 50 ppm. Depending upon source characteristics and management, the following items may or may not be subject to the TSCA PCB 40 CFR761 provisions for storage, reporting and disposal.

Generator: **CONSOLIDATED EDISON OF NY**

31-43 FARRINGTON ST. FLUSHING, NY 11351

Name

Address

PCB Analysis:

14.5
1st sample

23.3
2nd sample

14.3
3rd sample

In order to properly handle this waste, a determination must be made as to whether waste must be managed under the TSCA PCB provisions. A part of those regulations require any discrepancies be resolved within 15 days of receipt or the EPA must be notified of the unresolved discrepancy. By ASAP, please indicate below how this waste must be managed.



Managed as a TSCA regulated PCB waste and give approval for Cycle Chem to make disposal arrangements.



Managed as a non-TSCA regulated material because the PCB's did not result from a source >50ppm or are from a source(s) excluded from the TSCA provisions.



Reject instruction to a designated facility (TSCA approved), of your choice.

I certify that as a result of personal knowledge this material(s) should be managed in the above-indicated manner.

Name:

J. Mass As agent for C.E.

Date:

2/27/12

Signature:

[Signature]

Title:

PROJECT COORD.

WASTE MANAGEMENT EASTERN PA MARKET AREA444 Oxford Valley Road
Langhorne, PA 19047

(800) 963-4776 - Technical Service Center

Document Refer No. **11 408164**

PO#

BOL#

Decal#

NON-HAZARDOUS WASTE MANIFEST

1. Generator of Waste (must be filled in by producer) EPA I.D. No. NJD002200046
Company Name: Cycle Chem Inc. Company Contact: _____
Pick-up Address: 217 S First Street Elizabeth, NJ 07206
(No.) (Street) (City) (State) (Zip)
Telephone Number: (908) 355-5600 SIC No. _____
Waste Stream Identification: This manifest represents a non-hazardous waste as per EPA and PADEP regulations.
Tons: 2 Cubic Yards: _____ Other (Specify): _____
Name of Waste: Decharacterized Waste
Special Handling Instructions, if any: _____

PROFILE/ WASTE STREAM I.D. NUMBER: 544327D

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to applicable state and federal law. The wastes were consigned to the transporter named. I certify that the foregoing is true and correct to the best of my knowledge.

Date: 10/16Signature: [Signature]

(Name and Title)

2. Hauler of Waste (must be filled in by hauler) EPA I.D. No. _____
COMPANY NAME: Morales Trucking, Inc. (J.D. Trucking)
ADDRESS: 325B 54th Street West New York, NJ 07093
Pick-up Date: 10-16-02 Truck No. 0-02 Vehicle Lic. No. PA-26
The above described waste was picked up and hauled by me to the disposal facility named below and was accepted. I certify under penalty of perjury that the foregoing is true and correct.
Print name & title of authorized agent: KUSVAM
Signature of authorized agent: [Signature]

3. Disposer of Waste (must be filled-in by disposer) CIRCLE ONE:

G.R.O.W.S. North Landfill 1000 New Ford Mill Rd. Morrisville, PA 19067 PADEP Permit # 101680 (215) 736-0195	Tullytown Resource Recovery Facility (T.R.R.F) 200 Bordentown Rd. Tullytown, PA 19007 PADEP Permit # 101494 (215) 736-0195	Mountain View Reclamation Landfill 9446 Letzburg Rd. Greencastle, PA 17225 PADEP Permit # 101100 (717) 597-5535	Phoenix Resources Landfill 782 Antrim Road Wellsboro, PA 16901 PADEP Permit # 101649 (570) 353-2405
Alliance Sanitary Landfill 398 South Keyser Ave. Taylor, PA 18517 Permit # 100933 (570) 562-1600	Grand Central Sanitary Landfill 910 W. Pennsylvania Ave. Pen Argyl, PA 18072 Permit # 100265 (610) 863-2400	Pine Grove Landfill 193 Schultz Rd. Pine Grove, PA 17963 Permit # 101427 (570) 345-2777	

Waste subject to this manifest was delivered by the above hauler to this disposal facility and accepted on

(DISPOSAL DATE)

Waste Discrepancies: _____

Signature of authorized agent and title: _____

GENERATOR

WASTE MANAGEMENT EASTERN PA MARKET AREA444 Oxford Valley Road
Langhorne, PA 19047

(800) 963-4776 - Technical Service Center

Document Refer No. **11 408198**

PO#

BOL#

Decal#

NON-HAZARDOUS WASTE MANIFEST

1. Generator of Waste (must be filled in by producer) EPA I.D. No. NJD002200046
Company Name: Cycle Chem, Inc. Company Contact: _____
Pick-up Address: 217 S. First Street Elizabeth, NJ 07206
(No.) (Street) (City) (State) (Zip)
Telephone Number: (908) 355-5800 SIC No. _____
Waste Stream Identification: This manifest represents a non-hazardous waste as per EPA and PADEP regulations.
Tons: 2 Cubic Yards: _____ Other (Specify): _____
Name of Waste: Decharacterized Waste
Special Handling Instructions, if any: _____

PROFILE/ WASTE STREAM I.D. NUMBER: 544327D

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to applicable state and federal law. The wastes were consigned to the transporter named. I certify that the foregoing is true and correct to the best of my knowledge.

Date: 2/25/92

Signature: _____

(Name and Title)

2. Hauler of Waste (must be filled in by hauler) EPA I.D. No. _____
COMPANY NAME: Morales Trucking, Inc. (JLD Trucking)
ADDRESS: 325B 54th Street West New York, NJ 07093
Pick-up Date: 2/25/92 Truck No. OT 13 Vehicle Lic. No. 1U 117
The above described waste was picked up and hauled by me to the disposal facility named below and was accepted. I certify under penalty of perjury that the foregoing is true and correct.
Print name & title of authorized agent: YANU
Signature of authorized agent: _____

3. Disposer of Waste (must be filled-in by disposer) CIRCLE ONE:

G.R.O.W.S. North Landfill 1000 New Ford Mill Rd. Morrisville, PA 19067 PADEP Permit # 101680 (215) 736-0195	Tullytown Resource Recovery Facility (T.R.R.F) 200 Bordenstown Rd. Tullytown, PA 19007 PADEP Permit # 101494 (215) 736-0195	Mountain View Reclamation Landfill 9446 Letzburg Rd. Greencastle, PA 17225 PADEP Permit # 101100 (717) 597-5535	Phoenix Resources Landfill 782 Antrim Road Wellsboro, PA 16901 PADEP Permit # 101649 (570) 353-2405
Alliance Sanitary Landfill 398 South Keyser Ave. Taylor, PA 18517 Permit # 100933 (570) 562-1600	Grand Central Sanitary Landfill 910 W. Pennsylvania Ave. Pen Argyl, PA 18072 Permit # 100265 (610) 863-2400	Pine Grove Landfill 193 Schultz Rd. Pine Grove, PA 17963 Permit # 101427 (570) 345-2777	

Waste subject to this manifest was delivered by the above hauler to this disposal facility and accepted on _____

(DISPOSAL DATE)

Waste Discrepancies: _____

Signature of authorized agent and title: _____

GENERATOR

WASTE MANAGEMENT EASTERN PA MARKET AREA
444 Oxford Valley Road
Langhorne, PA 19047
(800) 963-4776 - Technical Service Center

Document Refer No. **11 408199**

PO# 21812
BOL# 7
Decal# 19201

NON-HAZARDOUS WASTE MANIFEST

1. Generator of Waste (must be filled in by producer) EPA I.D. No. NLD002200046
Company Name: Cycle Chem. Inc. Company Contact: _____
Pick-up Address: 217 1/2 First Street Elizabeth, NJ 07206
(No.) (Street) (City) (State) (Zip)
(208) 355-5600
Telephone Number: _____ SIC No. _____
Waste Stream Identification: This manifest represents a non-hazardous waste as per EPA and PADEP regulations.
Tons: 22 Cubic Yards: _____ Other (Specify): _____
Name of Waste Decharacterized Waste
Special Handling Instructions, if any: _____

PROFILE/ WASTE STREAM I.D. NUMBER: 544327D

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to applicable state and federal law. The wastes were consigned to the transporter named. I certify that the foregoing is true and correct to the best of my knowledge.

Date: 2/2/10

Signature: _____
(Name and Title)

2. Hauler of Waste (must be filled in by hauler) EPA I.D. No. _____
COMPANY NAME: Morales Trucking, Inc. (JLD Trucking)
ADDRESS: 325B 54th Street West New York, NJ 07093
Pick-up Date: 2/2/10 Truck No. 10 Vehicle Lic. No. 1307
The above described waste was picked up and hauled by me to the disposal facility named below and was accepted. I certify under penalty of perjury that the foregoing is true and correct.
Print name & title of authorized agent: Vince J...
Signature of authorized agent: _____

3. Disposer of Waste (must be filled-in by disposer) CIRCLE ONE:

G.R.O.W.S. North Landfill 1000 New Ford Mill Rd. Morrisville, PA 19067 PADEP Permit # 101680 (215) 736-0195	Tullytown Resource Recovery Facility (T.R.R.F.) 200 Bordentown Rd. Tullytown, PA 19007 PADEP Permit # 101494 (215) 736-0195	Mountain View Reclamation Landfill 9446 Letzburg Rd. Greencastle, PA 17225 PADEP Permit # 101100 (717) 597-5535	Phoenix Resources Landfill 782 Antrim Road Wellsboro, PA 16901 PADEP Permit # 101649 (570) 353-2405
Alliance Sanitary Landfill 398 South Keyser Ave. Taylor, PA 18517 Permit # 100933 (570) 562-1600	Grand Central Sanitary Landfill 910 W. Pennsylvania Ave. Pen Argyl, PA 18072 Permit # 100265 (610) 863-2400	Pine Grove Landfill 193 Schultz Rd. Pine Grove, PA 17963 Permit # 101427 (570) 345-2777	

Waste subject to this manifest was delivered by the above hauler to this disposal facility and accepted on _____ (DISPOSAL DATE)

Waste Discrepancies: _____

Signature of authorized agent and title: _____

GENERATOR

WASTE MANAGEMENT EASTERN PA MARKET AREA444 Oxford Valley Road
Langhorne, PA 19047

(800) 963-4776 - Technical Service Center

Document Refer No. **11 408200**

PO#

BOL#

Decal#

NON-HAZARDOUS WASTE MANIFEST

1. Generator of Waste (must be filled in by producer) EPA I.D. No. NJD002200048
- Company Name: Cycle Chem, Inc. Company Contact: _____
- Pick-up Address: 217 E First Street Elizabeth, NJ 07208
- (No.) (Street) (City) (State) (Zip)
- Telephone Number: (908) 355-5800 SIC No. _____
- Waste Stream Identification: This manifest represents a non-hazardous waste as per EPA and PADEP regulations.
- Tons: 2 Cubic Yards: _____ Other (Specify): _____
- Name of Waste: Decharacterized Waste
- Special Handling Instructions, if any: _____

PROFILE/ WASTE STREAM I.D. NUMBER: 5443270

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to applicable state and federal law. The wastes were consigned to the transporter named. I certify that the foregoing is true and correct to the best of my knowledge.

Date: 2/28/12

Signature: _____

(Name and Title)

2. Hauler of Waste (must be filled in by hauler) EPA I.D. No. _____
- COMPANY NAME: Morales Trucking Inc. (JLD Trucking)
- ADDRESS: 325B 54th Street West New York, NJ 07093
- Pick-up Date: 2/28/12 Truck No. DT-02 Vehicle Lic. No. 1W111
- The above described waste was picked up and hauled by me to the disposal facility named below and Was accepted. I certify under penalty of perjury that the foregoing is true and correct.
- Print name & title of authorized agent: Yves D. Morales
- Signature of authorized agent: _____

3. Disposer of Waste (must be filled-in by disposer)

CIRCLE ONE:

G.R.O.W.S. North Landfill 1000 New Ford Mill Rd. Morrisville, PA 19067 PADEP Permit # 101680 (215) 736-0195	Tullytown Resource Recovery Facility (T.R.R.F.) 200 Bordentown Rd. Tullytown, PA 19007 PADEP Permit # 101494 (215) 736-0195	Mountain View Reclamation Landfill 9446 Letzburg Rd. Greencastle, PA 17225 PADEP Permit # 101100 (717) 597-5535	Phoenix Resources Landfill 782 Antrim Road Wellsboro, PA 16901 PADEP Permit # 101649 (570) 353-2405
Alliance Sanitary Landfill 398 South Keyser Ave. Taylor, PA 18517 Permit # 100933 (570) 562-1600	Grand Central Sanitary Landfill 910 W. Pennsylvania Ave. Pen Argyl, PA 18072 Permit # 100265 (610) 863-2400	Pine Grove Landfill 193 Schultz Rd. Pine Grove, PA 17963 Permit # 101427 (570) 345-2777	

Waste subject to this manifest was delivered by the above hauler to this disposal facility and accepted on _____

(DISPOSAL DATE)

Waste Discrepancies: _____

Signature of authorized agent and title: _____

GENERATOR

GENERATOR

CCI

MANIFEST NO.

Q.A./Q.C. REPORT
CONTINUATION FORM

DOCUMENT #

2-28-12

WORK ORDER NO.

PAGE

of

OBD

SAMPLE IDENTIFICATION		SHIPPING NAME	WASTE TYPE	DRUM No.(s)	DM SIZE	DM COND.	SAMPLING VISUAL & COMMENTS:							
P.F. TEST	F.P.*F CC / F.P.*F OC	IGN	BTU/lb / BTU/Gal	% CL / CL SPOT TEST	SP. GR.	Compat Fuel Solv.	Compat H ₂ O	pH	ION SPOT TEST OXIDIZER SPOT	REACTIVITY A-B-DD-S-W.*	CYANIDE SPOT TEST	SULFIDE SPOT TEST	PCB's (ppm)	
S/S	>141	neg	-	neg	-	-	-	6	neg	N/R	neg	neg	<1	
										% MOISTURE	TOC (ppm)	PRODUCT CODE		
VISUAL: 100% brown solids											-	ROW NUMBER		
SAMPLE IDENTIFICATION		SHIPPING NAME	WASTE TYPE	DRUM No.(s)	DM SIZE	DM COND.	SAMPLING VISUAL & COMMENTS:							
P.F. TEST	F.P.*F CC / F.P.*F OC	IGN	BTU/lb / BTU/Gal	% CL / CL SPOT TEST	SP. GR.	Compat Fuel Solv.	Compat H ₂ O	pH	ION SPOT TEST OXIDIZER SPOT	REACTIVITY A-B-DD-S-W.*	CYANIDE SPOT TEST	SULFIDE SPOT TEST	PCB's (ppm)	
										% MOISTURE	TOC (ppm)	PRODUCT CODE		
VISUAL:												ROW NUMBER		
SAMPLE IDENTIFICATION		SHIPPING NAME	WASTE TYPE	DRUM No.(s)	DM SIZE	DM COND.	SAMPLING VISUAL & COMMENTS:							
P.F. TEST	F.P.*F CC / F.P.*F OC	IGN	BTU/lb / BTU/Gal	% CL / CL SPOT TEST	SP. GR.	Compat Fuel Solv.	Compat H ₂ O	pH	ION SPOT TEST OXIDIZER SPOT	REACTIVITY A-B-DD-S-W.*	CYANIDE SPOT TEST	SULFIDE SPOT TEST	PCB's (ppm)	
										% MOISTURE	TOC (ppm)	PRODUCT CODE		
VISUAL:												ROW NUMBER		

Clean Venture/Cycle Chem

CVCC 166577

NON-HAZARDOUS SOLID WASTE

The Environmental Services Source

W 8 # 131994

BILL OF LADING

Generator's Name and Mailing Address Consolidated Edison Company of New York, Inc.
124-15 31 Avenue Flushing, New York 11354

Generator's Phone (718) 3214812 Attn: Environmental Operations

Transporter 1 Company Name Clean Venture Inc NJ0000027193

Transporter 2 Company Name

Designated Facility Name and Site Address Cycle Chem Inc
217 South First St.
Elizabeth, NJ 07206
10. US EPA ID Number NJD002200046

BOL 0166077

31-43 Farrington Street
Flushing, NY 11354

State Trans. ID-NJDEPE 16755

Decal No.- 08606

Transporter's Phone (908) 354 0210

State Trans. ID-NJDEPE

Decal No.-

Transporter's Phone ()

Facility's Phone (908) 3555800

US DOT Description (Including Proper Shipping Name, Hazard Class or Division, ID Number and Packing Group)

Containers No. Type Total Quantity Unit Wt/Vol Waste No.

a.	Non Hazardous Waste Liquid Non D.D.T / Non RCRA	1x4	TT	3000	G	1D72
b.						
c.						
d.						

J. Additional Descriptions for Materials Listed Above

a.	L, Sediment & Water 100%	c.	
b.		d.	

CCI Generator # and Product Codes:

924705/102/18793

ERG 128

Emergency Phone (908) 354-0210

Job #55260-01-05

VAC# 131

Contact: J. Class

Plate #

GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations and are non-hazardous by USEPA & applicable state regulations.

PLACARDS REQUIRED

NA

PLACARDS SUPPLIED

☐ YES ☒ NO- FURNISHED BY CARRIER

Printed/Typed Name

John L. Por.

Signature

[Signature]

Month Day Year

12 11 12

Transporter 1 Acknowledgement of Receipt of Materials

Printed/Typed Name

F. CRESTO

Signature

[Signature]

Month Day Year

02 27 12

Transporter 2 Acknowledgement of Receipt of Materials

Printed/Typed Name

Signature

Month Day Year

Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest.

Printed/Typed Name

HELEN ELIAS

Signature

[Signature]

Month Day Year

10 27 12

COPY 1 - WHITE - GENERATOR

COPY 2 - PINK - TRANSPORTER

COPY 3 - BLUE - CycleChem

COPY 4 - CANARY - FACILITY

SIGNATURE AND INFORMATION MUST BE LEGIBLE ON ALL COPIES

GENERATOR

con-ed

MANIFEST NO.

166577

WORK ORDER NO.

Q.A./Q.C. REPORT
CONTINUATION FORM

DOCUMENT #

2/27/12

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of

EN 2/27/12

SAMPLE IDENTIFICATION				SHIPPING NAME	WASTE TYPE	DRUM No.(s)	DM SIZE	DM COND.	SAMPLING VISUAL & COMMENTS: F/Sludge						
						VAC 137	-	-							
P.F. TEST	FP°F CC	FP°F OC	IGN	BTU/lb	BTU/Gal	% CL CL SPOT TEST	SP. GR.	Compat Fuel Solv.	Compat H ₂ O	pH	ION SPOT TEST OXIDIZER SPOT	REACTIVITY A-B-DD-S-W*	CYANIDE SPOT TEST	SULFIDE SPOT TEST	PCB's (ppm)
L	>141		neg		-	neg	-	-	-	7	neg	N/R	neg	High	14.5
												% MOISTURE	TOC (ppm)	PRODUCT CODE	
												57.6	-		
												ROW NUMBER			

VISUAL:

100% black sludge

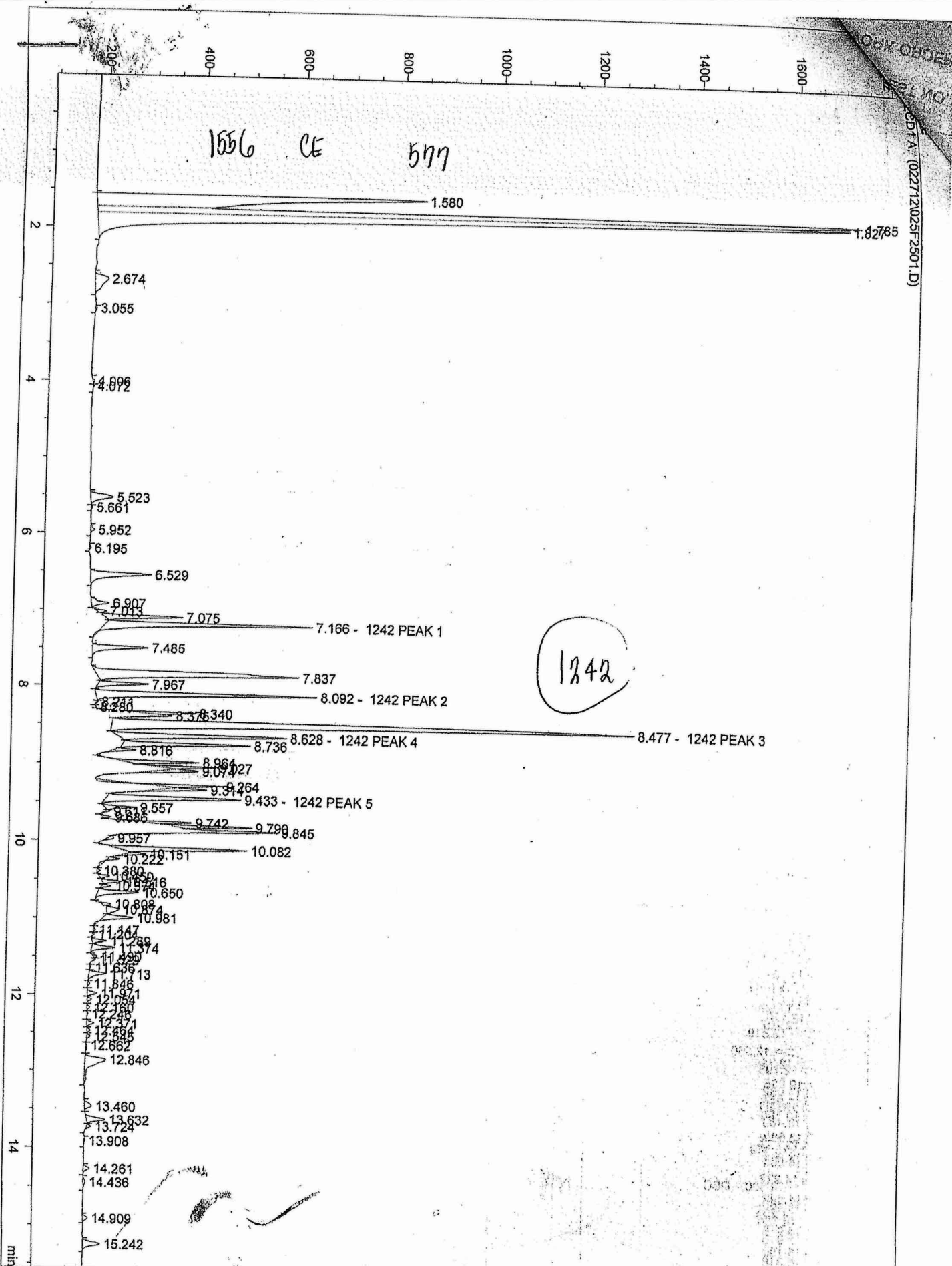
SAMPLE IDENTIFICATION				SHIPPING NAME	WASTE TYPE	DRUM No.(s)	DM SIZE	DM COND.	SAMPLING VISUAL & COMMENTS:						
R-1															
P.F. TEST	FP°F CC	FP°F OC	IGN	BTU/lb	BTU/Gal	% CL CL SPOT TEST	SP. GR.	Compat Fuel Solv.	Compat H ₂ O	pH	ION SPOT TEST OXIDIZER SPOT	REACTIVITY A-B-DD-S-W*	CYANIDE SPOT TEST	SULFIDE SPOT TEST	PCB's (ppm)
															23.3
												% MOISTURE	TOC (ppm)	PRODUCT CODE	
												ROW NUMBER			

VISUAL:

see above

SAMPLE IDENTIFICATION				SHIPPING NAME	WASTE TYPE	DRUM No.(s)	DM SIZE	DM COND.	SAMPLING VISUAL & COMMENTS:						
R-2															
P.F. TEST	FP°F CC	FP°F OC	IGN	BTU/lb	BTU/Gal	% CL CL SPOT TEST	SP. GR.	Compat Fuel Solv.	Compat H ₂ O	pH	ION SPOT TEST OXIDIZER SPOT	REACTIVITY A-B-DD-S-W*	CYANIDE SPOT TEST	SULFIDE SPOT TEST	PCB's (ppm)
															14.3
												% MOISTURE	TOC (ppm)	PRODUCT CODE	
												ROW NUMBER			

see above



Injection Date : 2/27/2012 2:13:01 PM
Sample Name : 1556
Acq. Operator : Compco
Acq. Instrument : 6890
Acq. Method : C:\HPCHEM\1\METHODS\1254A.M
Last changed : 2/22/2012 6:51:01 PM by Compco
Analysis Method : C:\HPCHEM\1\METHODS\1242.M
Last changed : 11/23/2011 8:34:38 AM by Compco

Seq. Line : 25
Location : Vial 25
Inj : 1
Inj Volume : 2 µl

External Standard Report

Sorted By : Signal
Calib. Data Modified : Wednesday, November 23, 2011 8:33:46 AM
Multiplier : 1.0000
Dilution : 1.0000
Use Multiplier & Dilution Factor with ISTDs

Signal 1: ECD1 A,

RetTime [min]	Type	Area [5 Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.166	BBA	1202.73035	6.43020e-1	773.37979		
8.092	BB	1276.72888	4.05611e-1	517.85507	1242	PEAK 1
8.477	BB	3882.12378	1.46010e-1	566.82876	1242	PEAK 2
8.628	BB	886.24377	4.61895e-1	409.35130	1242	PEAK 3
9.433	BB	812.69122	4.28643e-1	348.35401	1242	PEAK 4
13.169					1242	PEAK 5
						DBC

Totals :

2615.76893

Results obtained with enhanced integrator!

Signal 2: ECD2 B,

Avg 523

RetTime [min]	Type	Area [Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.957	BB	200.21269	8.83551e-2	17.68981	1242	PEAK 1
8.551	BB	64.07037	4.90373e-2	3.14184	1242	PEAK 2
9.128	BBAS	1.34520e4	2.30981e-2	310.71559	1242	PEAK 3
9.321	BB S	1.53841e4	5.85073e-2	900.08436	1242	PEAK 4
10.105	PB S	6860.89502	8.62176e-2	591.53021	1242	PEAK 5
14.330	BB	1805.15491	4.32656e-3	7.81012		DBC

Totals :

1830.97193

Results obtained with enhanced integrator!

2 Warnings or Errors :

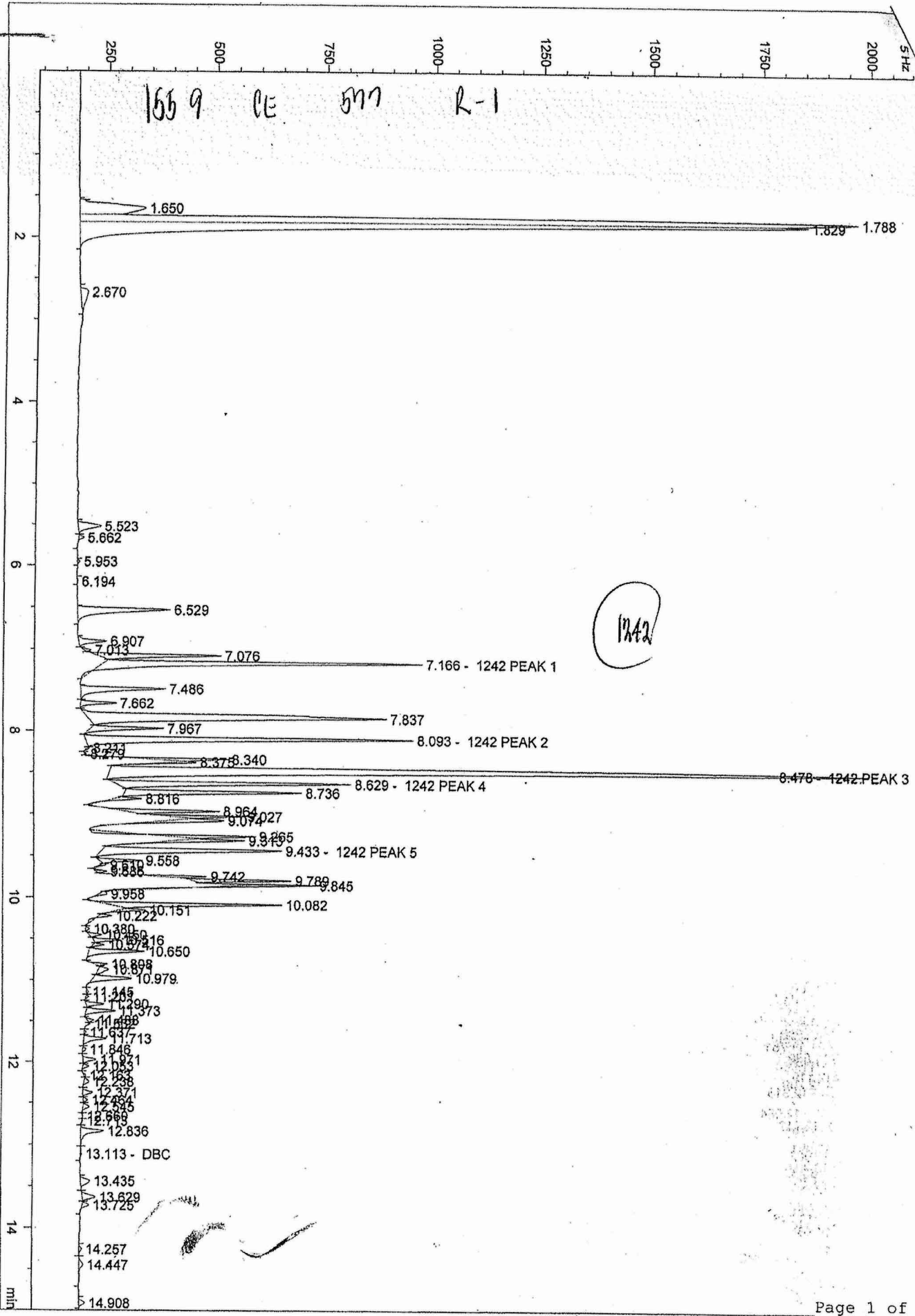
Warning : Calibration warnings (see calibration table listing)
Warning : Calibrated compound(s) not found

*** End of Report ***

ppb > $\frac{523}{18.05} \times 50 \times 10 = 14488 \text{ ppb}$

14.5 ppm

EC01A, (022712028F2801.D)



Injection Date : 2/27/2012 3:34:48 PM Seq. Line : 28
 Sample Name : 1559 Location : Vial 28
 Acq. Operator : Compco Inj : 1
 Acq. Instrument : 6890 Inj Volume : 2 µl
 Acq. Method : C:\HPCHEM\1\METHODS\1254A.M
 Last changed : 2/22/2012 6:51:01 PM by Compco
 Analysis Method : C:\HPCHEM\1\METHODS\1242.M
 Last changed : 11/23/2011 8:34:38 AM by Compco

External Standard Report

Sorted By : Signal
 Calib. Data Modified : Wednesday, November 23, 2011 8:33:46 AM
 Multiplier : 1.0000
 Dilution : 1.0000
 Use Multiplier & Dilution Factor with ISTDs

Signal 1: ECD1 A,

RetTime [min]	Type	Area [5 Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.166	BBA	2061.50879	6.43020e-1	1325.59159	1242	PEAK 1
8.093	BB	2175.06128	4.05611e-1	882.22842	1242	PEAK 2
8.478	BB	6258.27393	1.46010e-1	913.77036	1242	PEAK 3
8.629	BB	1351.35156	4.61895e-1	624.18213	1242	PEAK 4
9.433	BB	1240.04041	4.28643e-1	531.53404	1242	PEAK 5
13.113	BBA	11.85923	8.43728e-3	1.00060e-1		DBC

Totals : 4277.40659

Results obtained with enhanced integrator!

Avg, 855

Signal 2: ECD2 B,

RetTime [min]	Type	Area [Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.956	BB	71.15786	8.83551e-2	6.28716	1242	PEAK 1
8.536	BB	203.77309	4.90373e-2	9.99248	1242	PEAK 2
9.125	BBAS	3.47587e4	2.30981e-2	802.86075	1242	PEAK 3
9.318	BB S	2.58901e4	5.85073e-2	1514.76001	1242	PEAK 4
10.243	BB	822.73236	8.62176e-2	70.93405	1242	PEAK 5
14.329	BB	1267.05481	4.32656e-3	5.48199		DBC

Totals : 2410.31645

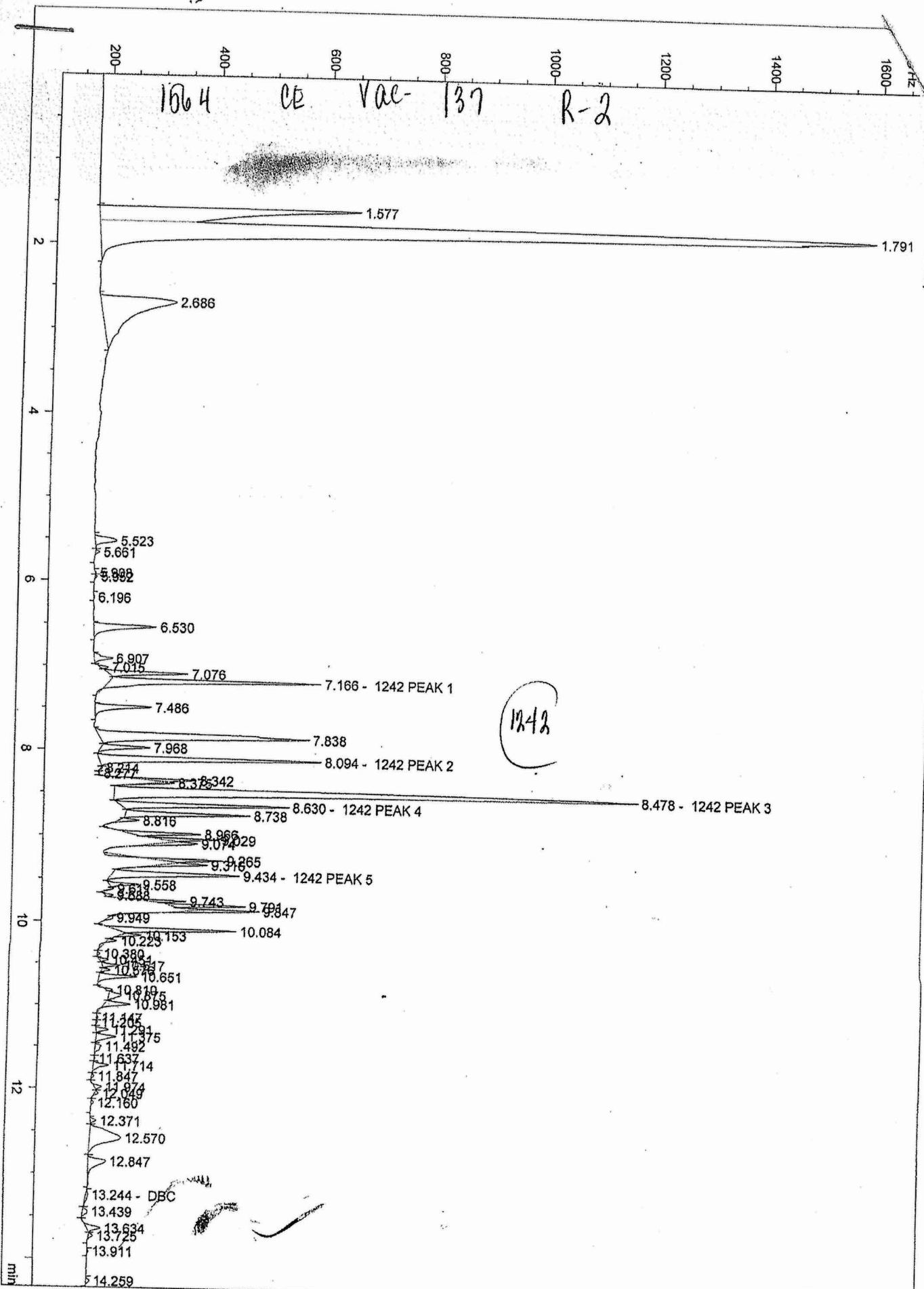
Results obtained with enhanced integrator!

1 Warnings or Errors :

Warning : Calibration warnings (see calibration table listing)

*** End of Report ***

ppb = $\frac{855}{18.37} \times 50 \times 10^{-2} = 2327.2 \text{ ppb}$
 23.3 ppm



```

=====
Injection Date   : 2/27/2012 4:35:15 PM      Seq. Line :   31
Sample Name     : 1564                      Location  : Vial 31
Acq. Operator   : Compco                    Inj       :    1
Acq. Instrument : 6890                      Inj Volume: 2 µl
Acq. Method     : C:\HPCHEM\1\METHODS\1254A.M
Last changed    : 2/22/2012 6:51:01 PM by Compco
Analysis Method : C:\HPCHEM\1\METHODS\1242.M
Last changed    : 11/23/2011 8:34:38 AM by Compco
=====

```

```

=====
External Standard Report
=====

```

```

Sorted By       : Signal
Calib. Data Modified : Wednesday, November 23, 2011 8:33:46 AM
Multiplier     : 1.0000
Dilution       : 1.0000
Use Multiplier & Dilution Factor with ISTDs

```

Signal 1: ECD1 A,

RetTime [min]	Type	Area [5 Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.166	BBA	1104.33569	6.43020e-1	710.11005	1242	PEAK 1
8.094	BB	1148.13428	4.05611e-1	465.69570	1242	PEAK 2
8.478	BB	3431.73169	1.46010e-1	501.06702	1242	PEAK 3
8.630	BB	758.22217	4.61895e-1	350.21880	1242	PEAK 4
9.434	BB	686.43762	4.28643e-1	294.23635	1242	PEAK 5
13.244	BB	27.08755	8.43728e-3	2.28545e-1		DBC

Totals : 2321.55647

Results obtained with enhanced integrator!

Avg- 404

Signal 2: ECD2 B,

RetTime [min]	Type	Area [Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.958	BB	225.31325	8.83551e-2	19.90757	1242	PEAK 1
8.546	BB	72.20779	4.90373e-2	3.54087	1242	PEAK 2
9.194		-	-	-	1242	PEAK 3
9.322	BB S	1.41359e4	5.85073e-2	827.05224	1242	PEAK 4
10.106	PB S	5157.19385	8.62176e-2	444.64111	1242	PEAK 5
14.224	BB	133.46877	4.32656e-3	5.77461e-1		DBC

Totals : 1295.71926

Results obtained with enhanced integrator!

2 Warnings or Errors :

Warning : Calibration warnings (see calibration table listing)

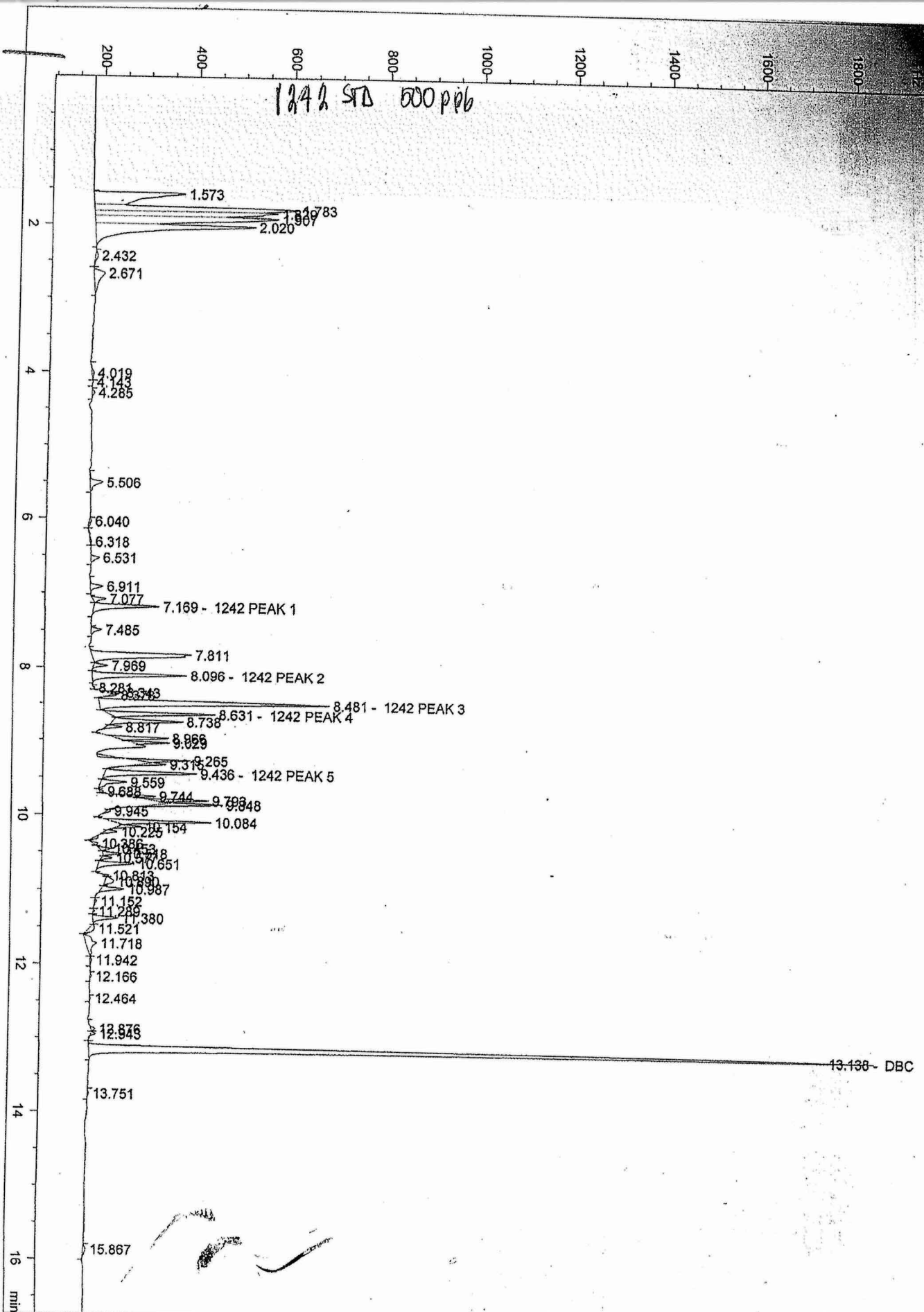
Warning : Calibrated compound(s) not found

```

=====
*** End of Report ***
=====

```

ppb, $\frac{464}{16.26} \times 100 \times 10 = 14268$ ppb
 14.3 ppm



Date : 2/27/2012 2:54:18 PM Seq. Line : 26
 Name : 1242 500 PPB Location : Vial 26
 Operator : Compco Inj : 1
 Instrument : 6890 Inj Volume : 2 µl
 Acq. Method : C:\HPCHEM\1\METHODS\1254A.M
 Last changed : 2/22/2012 6:51:01 PM by Compco
 Analysis Method : C:\HPCHEM\1\METHODS\1242.M
 Last changed : 2/27/2012 7:14:47 PM by Compco

External Standard Report

Sorted By : Signal
 Calib. Data Modified : Monday, February 27, 2012 7:14:37 PM
 Multiplier : 1.0000
 Dilution : 1.0000
 Use Multiplier & Dilution Factor with ISTDs

Signal 1: ECD1 A,

RetTime [min]	Type	Area [5 Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.169	BBA	412.47079	1.40874	581.06484	1242	PEAK 1
8.096	BBA	575.12238	1.01733	585.08949	1242	PEAK 2
8.481	BB	1720.02881	3.29005e-1	565.89859	1242	PEAK 3
8.631	BB	571.01129	9.75681e-1	557.12469	1242	PEAK 4
9.436	BB	569.49164	9.65091e-1	549.61132	1242	PEAK 5
13.138	BBA	4929.44482	1.88561e-2	92.95028		DBC

Totals : 2931.73922

Results obtained with enhanced integrator!

Signal 2: ECD2 B,

RetTime [min]	Type	Area [Hz*s]	Amt/Area	Amount [ug/l]	Grp	Name
7.837	BB	5531.82275	1.05925e-1	585.95893	1242	PEAK 1
8.451	BB S	1.13333e4	4.91042e-2	556.51166	1242	PEAK 2
9.136	BB S	2.55744e4	2.09896e-2	536.79529	1242	PEAK 3
9.324	BB S	1.03001e4	5.26398e-2	542.19328	1242	PEAK 4
10.107	PB S	4463.74805	1.39244e-1	621.54877	1242	PEAK 5
14.159	BB S	6.89803e4	1.31936e-3	91.00984		DBC

Totals : 2934.01777

Results obtained with enhanced integrator!

1 Warnings or Errors :

Warning : Calibration warnings (see calibration table listing)

*** End of Report ***

3/15/12 ^{from} Paul Manning - con Ed

→ Cycle Chem got 14, 14, +23
on First load

thought that was OK

→ truck went back + got
second load
got 51 ppm

Cycle Chem said they called
→ not aware of getting any
call on First truck

did think at the
time that the
source was ^{not} PCB anyway
til they got the
51 ppm

→ tested the Facility
Found 6 Inertex large
capacitors in the
manhole! weren't
usually in manholes
usually used XFMK
capacitors taken off the
drawings but not the site

b3. get buried by sludge +
not seen

didn't see any leaks in the
M1, M1 capacitors
back to

new stock-out capacitors
starting looking around -
found another one already
in a different place

being properly disposed

not sampled before it
was shipped by Con Ed

looking at lead but
not PCB



Fw: Possible PCB release
James Haklar to: Henry Mazzucca, Ann Finnegan

03/01/2012 01:44 PM

Please see below. How should I respond?

----- Forwarded by James Haklar/R2/USEPA/US on 03/01/2012 01:37 PM -----

From: "Manning, Paul" <MANNINGP@coned.com>
To: James Haklar/R2/USEPA/US@EPA
Date: 03/01/2012 01:07 PM
Subject: FW: Possible PCB release

Jim:

We had an incident yesterday at our Farrington Flush facility and attempted to notify EPA (see below) but ended up leaving you a phone message late yesterday.

As per my voice mail message earlier today, the incident is somewhat similar to an August 2004 incident where we worked with your office.

In response to the identification of unexpected PCBs in this typically non-hazardous waste stream, we immediately ceased operation of the flush facility. We are preparing a plan to address decontamination of the flush facility and any flush (vactor) trucks that may have been contaminated.

We are looking for the plan to mirror the actions we took in 2004 which included a consultation and review with your office.

I would appreciate it if you could call my cell at your earliest convenience to get your input and perspective on this incident.

Paul Manning
Director, Environment & Sustainability
Con Edison
Cell - (917) 902-9213
Office - (212) 460-3427

From: Hanley, Patrick
Sent: Wednesday, February 29, 2012 05:34 PM
To: kraft.daniel@epa.gov <kraft.daniel@epa.gov>
Cc: dl - EH&S Response Team (ERT); Ip, Ann S.; Drummings, Anthony
Subject: Possible PCB release

Mr. Kraft,

Con Edison recently had sludge and water removed from our Farrington Flush Facility; located in Flushing, Queens, by Cycle Chem. A sample of this waste was taken by Cycle Chem which yielded a 51ppm PCB result. This prompted Con Edison to run a sample of the sediment at Con Edison's ChemLab and a result of 526ppm was obtained. There was no visible oil reported at the facility or waterway and effluent results of water treated at the facility all came back within established PCB limits. At this time, we do not believe any release has occurred, however we wanted to communicate this finding to you as a precaution. We are continuing to investigate to determine the possible source of the PCB's.

If you have any questions or require additional information please contact the EH&S Response Team at 212-580-8383.

Thank You

Pat Hanley

Patrick Hanley

Environmental, Health and Safety Response Team

Consolidated Edison of NY

Cell: 347-203-1475

Fax: 718-204-4437

email: hanleyp@coned.com